

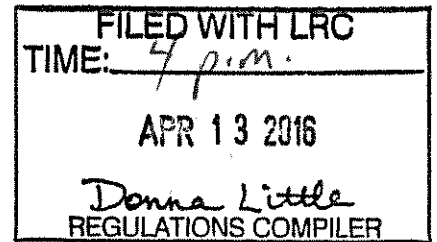
301 KAR 2:226

Youth waterfowl, moorhen and gallinule hunting seasons

This administrative regulation establishes hunting season dates and bag limits according to the United States Fish and Wildlife Service federal waterfowl hunting frameworks established in 350 CFR Part 20 for youth waterfowl hunting seasons.

Significant Changes

This amendment will allow adults accompanying youth hunters to hunt geese in the Western Zone.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:226. Youth waterfowl, moorhen, and gallinule hunting seasons.

5 RELATES TO: KRS [~~150.010(40), 150.025(1),~~ 150.305(1), 150.330, 150.340[(1), (3),
6 ~~150,600(1),~~ 150.990[, 50 C.F.R. Parts 20, 21]

7 STATUTORY AUTHORITY: KRS 150.025(1)[~~(a)(b), 150.340(1), (2), (3),~~ 150.600(1), 50
8 C.F.R. [~~Parts~~] 20, 21

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department
10 to promulgate administrative regulations to establish open seasons for the taking of wildlife, to
11 regulate bag limits and methods of take, and to make these requirements apply to a limited area.
12 KRS [and] 150.600(1) authorizes the department to regulate the taking of [establish statewide]
13 waterfowl on public and private land [hunting requirements]. This administrative regulation
14 establishes two (2) sets of two (2) special waterfowl hunting days for youth hunters, establishes
15 the requirements for an adult accompanying a youth, and conforms with the frameworks
16 established by 50 C.F.R. Parts 20 and 21.

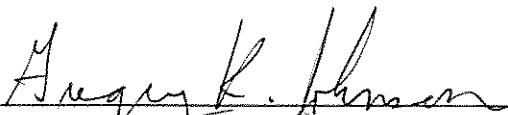
17 Section 1. Definitions. (1) "Adult" means a person who has reached his 18th birthday.

18 (2) "Eastern Zone" means the area including both the Northeast Goose Zone and the Eastern
19 Goose Zone, as defined in 301 KAR 2:224.

20 (3) "Waterfowl" means the species of duck, coot, merganser and goose for which an open season
21 in Kentucky has been established by 301 KAR 2:221.

- 1 (4) "Western Zone" means the area including the Pennyroyal-Coalfield Goose Zone, the Western
2 Goose Zone and the West-Central Goose Zone, as defined in 301 KAR 2:224.
- 3 (5) "Youth" means a person who has not reached his 16th birthday.
- 4 Section 2. A youth: (1) In the Eastern Zone, may hunt waterfowl, moorhen and gallinule on the
5 first Saturday and Sunday of November if he or she is accompanied by an adult.
- 6 (2) In the Western Zone, may hunt waterfowl, moorhen, and gallinule on the first Saturday and
7 Sunday of February if he or she is accompanied by an adult.
- 8 (3) Shall obey the provisions of 301 KAR 2:221 and 301 KAR 2:222, except that he or she may
9 hunt on the dates provided in this administrative regulation.
- 10 Section 3. An adult accompanying a youth who is waterfowl hunting:
- 11 (1) Shall:
- 12 (a) Remain in a position to take immediate control of the youth's firearm;
- 13 (b) Not hunt waterfowl in the Eastern Zone;
- 14 (c) Not hunt ducks, coots, and mergansers in the Western Zone;
- 15 (d) Not be required to possess a hunting license or waterfowl permit if he or she is not hunting.
- 16 (2) May hunt other species [~~except waterfowl~~] for which there is an open season.

Approved by the Fish and Wildlife Commission



Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

4/7/16.

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 23, 2016, at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by May 31, 2016.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:226. Youth waterfowl, moorhen and gallinule hunting seasons

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes hunting season dates and bag limits according to the United States Fish and Wildlife Service federal waterfowl hunting frameworks established in 350 CFR Part 20 for youth waterfowl hunting seasons.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish the 2016-2017 youth waterfowl, moorhen and gallinule season in accordance with the United States Fish and Wildlife Service frameworks and to allow adults accompanying youth hunters to shoot geese in the Western Zone.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing the migratory bird hunting seasons and area specific requirements, this administrative regulation is maintaining and managing migratory game bird conservation efforts consistent with national management goals. This administrative regulation establishes youth migratory bird hunting seasons.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will allow adults accompanying youth hunters to hunt geese in the Western Zone.

(b) The necessity of the amendment to this administrative regulation: The necessity of the amendment is to provide an opportunity for adults accompanying youth waterfowl hunters to hunt geese in the Western Zone.

(c) How the amendment conforms to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments affected by this administrative regulation: There are approximately 20,000 waterfowl hunters in Kentucky. Adults accompanying youth hunters in the Western Zone will be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take

to comply with this administrative regulation or amendment: Adults accompanying youth hunters in the Western Zone will be allowed to hunt geese.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will provide additional opportunity adults accompanying youth hunters to hunt geese in the Western Zone

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment. It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same requirements and limits apply to all youth migratory game bird hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:226

Contact Person: Rose Mack

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs to administer this program for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 C.F.R. Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.
2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons which are within the frameworks established by the United States Fish and Wildlife Service and published in 50 C.F.R. Parts 20 and 21.
3. Minimum or uniform standards contained in the federal mandate. 50 C.F.R. Part 20 contains season frameworks for the following: earliest opening and latest closing date, maximum number of days a species is open to hunting, and daily bag and possession limits. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during, and after periods open for hunting.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A